

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
HATTIESBURG DIVISION

REBECCA LEWIS

VS.

CIVIL ACTION NO. 2:03cv1-KS-JMR

PHI KAPPA TAU FRATERNITY, INC.,
UNIVERSITY OF SOUTHERN MISSISSIPPI
LOCAL CHAPTER OF PHI KAPPA TAU
FRATERNITY, AND JOHN R. PARKER

ORDER

This cause is before the Court on Motion for Certification Under Federal Rule of Civil Procedure 54(b) and to Stay Further Proceedings filed by Plaintiff herein, and the Court after thoroughly reviewing same, finds that the motions should be **sustained** for the following reasons.

By Memorandum Opinion and Order this Court granted summary judgment to Phi Kappa Tau Fraternity, Inc., and the University of Southern Mississippi Local Chapter of Phi Kappa Tau Fraternity on March 13, 2006, and entered judgment as to said Defendants. There was no summary judgment filed on behalf of the third defendant, John R. Parker. The Plaintiff has stated that she desires to appeal the Court's ruling to the Fifth Circuit Court of Appeals and that it would be an abuse of judicial resources to proceed to try the case against the remaining Defendant, John R. Parker, if, in fact, the Court's granting of summary judgment is reversed by the Fifth Circuit. This Court finds that a final judgment should be entered herein in favor of Phi Kappa Tau Fraternity, Inc., and University of Southern Mississippi Local Chapter of Phi Kappa Tau Fraternity pursuant to Rule 54(b) of the Federal Rules of Civil Procedure and that there is no reason to delay the entry of said final judgment. This Court further finds that it would be in the

interest of judicial economy to allow the appeal to go forward to the Fifth Circuit prior to trying less than all of the Defendants or potential Defendants, and that the complaint as against the remaining Defendant, John R. Parker, should be stayed pending resolution of the appeal by the Fifth Circuit Court of Appeals.

NOW, THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED that final judgment be and the same is hereby entered herein in favor of Phi Kappa Tau Fraternity, Inc., and University of Southern Mississippi Local Chapter of Phi Kappa Tau Fraternity, granting summary judgment in their favor and dismissing the complaint against them.

IT IS FURTHER ORDERED that the complaint and further proceedings herein against the remaining Defendant, John R. Parker, be and the same are hereby stayed until the Plaintiff herein concludes her appeal to the Fifth Circuit Court of Appeals appealing the granting of the summary judgments in favor of Phi Kappa Tau Fraternity, Inc., and University of Southern Mississippi Local Chapter of Phi Kappa Tau Fraternity.

SO ORDERED AND ADJUDGED on this, the 22nd day of March, 2006.

s/ *Keith Starrett*
UNITED STATES DISTRICT JUDGE